

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

DEREK ANTOL, individually, and as next
friend for DSA II, DEVON ANTOL
and TRYSTON ANTOL,

Case No. 1:17-cv-00613

Hon. JANET T. NEFF

Plaintiffs,

ADAM DENT, KATE STRAUS, CASEY
BRINGEDAHL, CASEY TRUCKS, PETE
KUTCHES, and WESTERN MICHIGAN
ENFORCEMENT TEAM, a public body
organized under the laws of the State of
Michigan,

Defendants.

J. Nicholas Bostic
Bostic & Associates
Attorney for Plaintiffs
909 N. Washington Ave.
Lansing, MI 48906
(517) 706-0132
barristerbosticlaw@gmail.com

Allan C. VanderLaan (P33893)
Bradley Charles Yanalunas (P80528)
Curt A. Benson (P38891)
Cummings McClorey Davis & Acho PLC
Attorneys for Defendants Dent, Strauss,
Bringedahl, & Kutches
327 Centennial Plaza Bldg.
2851 Charlevoix Dr., SE
Grand Rapids, MI 49546
(616) 975-7470
avanderlaan@cnda-law.com
byanalunas@cnda-law.com
cbenson@cnda-law.com

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Adam P. Sadowski (P73864)
John G. Fedynsky (P65232)
Assistant Attorneys General
Attorneys for Defendant Casey Trucks
Complex Litigation Division
P.O. Box 30736
Lansing, MI 48909
(517) 335-3055

sadowskia@michigan.gov
fedynsky@michigan.gov

Douglas M. Hughes (P30958)
John M. Karafa (P36007)
Williams Hughes, PLLC
Attorneys for Defendants Kutches &
Western MI Enforcement Team
120 W. Apple Ave.
P.O. Box 599
Muskegon, MI 49440
(231) 726-4857
doughughes@williamshugheslaw.com
johnkarafa@williamshugheslaw.com

**REPLY IN SUPPORT OF DEFENDANT CASEY TRUCKS'
MOTION FOR SUMMARY JUDGMENT**

REPLY BRIEF

Plaintiffs have altered their claims to some extent. On page one of their response to Defendant Trucks' motion for summary judgment, they put "All Plaintiffs as to Defendant Trucks" however, the main Plaintiff, Derek Antol, admitted that he personally has no claims against Defendant Trucks. (See Exhibit A to Defendant Trucks' motion for summary judgment at pg. 77). Derek Antol cannot change his deposition testimony to now create a claim when he admitted none existed at the time.

Much of the response focuses on the conduct of the other officers and what Plaintiffs allege is their wrongful conduct that gets imputed onto Trucks. However, the Sixth Circuit case cited by Plaintiffs actually supports Defendant Trucks position. In *Smoak v. Hall*, 460 F.3d 768 (6th Cir. 2006), the Court actually found qualified immunity applicable and it was based on whether the individual defendants had a "good-faith defense". *Id.* at 781-782. Therefore, the conduct to be analyzed is what was reasonable for Trucks to believe. He was requested to help secure the premises and did so. Any bad acts by any other co-defendant cannot be put onto Trucks just because he was there.

Additionally, Plaintiffs' discussion of the good-faith defense as to the warrant is misplaced. (Response in Opposition at pg. 10). Trucks was not the affiant for a warrant and was not involved in that process. While Trucks does not believe that the fellow co-defendants violated Plaintiffs' rights, Trucks himself was objectively reasonable. For Plaintiffs to rebut the presumption of qualified immunity, plaintiffs are required to come forward with evidence demonstrating that the actions of each

and every defendant were objectively unreasonable in light of the clearly established law. The qualified-immunity analysis must be undertaken in regard to the specific constitutional violation at issue. Plaintiffs have not met this burden.

CONCLUSION AND RELIEF SOUGHT

For the reasons discussed above, Defendant Trucks requests this Court grant his motion for summary judgment.

Respectfully submitted,

Bill Schuette
Attorney General

s/ Adam P. Sadowski
Adam P. Sadowski (P73864)
Assistant Attorney General
Attorney for Defendant Trucks
Complex Litigation Division
P.O. Box 30736
Lansing, MI 48909
517.335.3055
sadowskia@michigan.gov
P73864

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